

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael Rosenbauer et al.
Application Number: 10/575,302
Filing Date: 04/11/2006
Group Art Unit: 1711
Examiner: David G. Cormier
Title: DISHWASHER WITH A DISPLAY DEVICE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a Reply Brief in the above-identified application.

STATUS OF CLAIMS

Claims 11-22 are pending in the application and are the basis for the appeal. Claims 1-10 were canceled in the April 11, 2006 Preliminary Amendment. Claim 23 was canceled in the January 25, 2011 Amendment. Claims 11 and 21 are independent.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(a) Whether claim 11/18 is anticipated under 35 U.S.C. § 102(b) by Favaro (EP 1332708).

(b) Whether claim 11/13 is unpatentable under 35 U.S.C. § 103(a) over Favaro in view of the admitted state of the art (ASA) or Nonogaki (U.S. Patent No. 5,279,134).

REPLY ARGUMENT

The present invention includes “a light shaft arranged in the beam path of the light beam produced by the light means, the light shaft having a reflecting surface on a side thereof facing the light beam” as recited in rejected claim 18. In the Response to Arguments on page 8 of the Examiner’s Answer, the grounds of rejection maintain that the fiber optical cable 7 of Favaro is broadly and reasonably construed as a light shaft.

Appellants respectfully submit that as indicated in MPEP § 2111, the claims must be given their broadest reasonable interpretation *consistent with the specification*. The Federal Circuit elaborated on this standard by requiring that the broadest reasonable interpretation must be “in light of the specification as it would be interpreted by one of ordinary skill in the art” per *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). As such,

the present specification provides the background to one of ordinary skill in the art of regarding the interpretation of the claimed light shaft. The present specification at paragraph [0016] of the published application discloses that in the present invention, a light beam passes through an opening in a light shaft 2 which has a reflecting surface on its side facing the light beam. The reflecting surface of the light shaft 2 is further constructed in a spherical form so that it focuses the light beam produced by the light-emitting diode 1 and reflects at least partly in direction A towards the display surface 4. Appellants respectfully submit that this description would not suggest that the claimed light shaft could be the fiber optical cable 7 of Favaro as construed in the Response to Arguments.

CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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